

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
October 13, 2015
7:10 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Alex Berger III, Rich Lintz, and Ira Berkowitz.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Absent: Joanne Boulton

Alderman Winings moved to approve the September 16, 2015 minutes. Alderman Garnholz seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

Mayor Sanger presented Ray and Ann Gallardo, owners of City Coffee & Creperie, a proclamation in honor of their 20th Anniversary of the opening of their restaurant.

PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A RESTAURANT (THE CLAYMOOR) AT 15 NORTH MERAMEC AVENUE

Mayor Sanger opened the public hearing and requested proof of publication.

Alderman Berkowitz recused himself from the meeting.

City Manager Owens reported that this is a public hearing and subsequent resolution for a conditional use permit for the proposed operation of a restaurant to be known as The Claymoor.

The subject property is located on the west side of North Meramec Avenue, midblock between Forsyth Boulevard and Maryland Avenue and is located in the Downtown Core Overlay Zoning District (base zoning designation of High Density Commercial). The property contains a two-story commercial building which was constructed in 1900. The first floor of the building was most recently occupied by a restaurant (Barrister's), and the second floor was occupied by an office tenant.

The applicant proposes to convert the entire building into an 8,277-square-foot restaurant to accommodate 150 patrons. A 2,992-square-foot rooftop bar and dining area is also proposed that will accommodate an additional 65 patrons. The restaurant plans to be open seven days a week, 10:00 a.m. to 1:30 a.m. Deliveries to the restaurant will be made through the rear of the building. Delivery service from the restaurant is not proposed. Trash will be stored in existing receptacles located behind the building; the restaurant does not plan to participate in a recycling program.

Because the restaurant is larger than 3,000 square feet and not located in a mixed-use building, parking is required based on the following ratio: three parking spaces for every five seats on a pro-rated percentage for all square footage in excess of 3,000 gross square feet. Based on the size and number of seats proposed, 52 parking spaces are required on-site or within 500 feet. One off street parking space can be accommodated on site. Evening valet services will be provided. Section 405.3620.17 of the Off-Street Parking and Loading Regulations permits the Board of Alderman to modify the number of required parking spaces through the conditional use process. Staff supports waiving the requirement for the 51 dedicated off-street parking spaces, and is of the opinion that the combination of valet parking and nearby on-street and off-street public parking spaces are sufficient to meet the parking demands of the proposed use.

Based on the City's Bicycle Parking Regulations the proposed restaurant is required to provide two bicycle racks; however, the applicant requests that this requirement be waived. A bicycle rack cannot be accommodated on site in accordance with the Bicycle Parking Regulations due to the footprint of the existing building. The public sidewalk directly in front of the restaurant is intended to be used as outdoor dining. Two existing bicycle racks are located at the north and south ends of this block, approximately 200 feet from the restaurant entrance in each direction. For these reasons staff has approved the request to waive the requirement for two bicycle racks.

The Plan Commission considered this request at their September 9, 2015 meeting and voted to recommend approval of the Conditional Use Permit to the Board of Aldermen with the condition that sound from the outdoor speakers is not audible from the street. The Architectural Review Board considered the proposed architectural elements (including the rooftop improvements) at their meeting of September 9, 2015 and voted to approve with the condition that the Board of Adjustment grant a setback variance for the rear yard encroachment resulting from the rooftop improvements. On October 1, 2015, the Board of Adjustment approved the requested 2-foot, 9 1/8-inch variance from the required 15-foot rear yard setback. Recommendation is to conduct a public hearing and approve the resolution.

In response to the Board's questions, Brian Ivy and Chris Sedlail, applicants, stated that the restaurant will utilize all floors of the building including the entire rooftop deck which will be used as patio seating. The menu will have a variety of diverse options that will be served tapas style (small plate portions). He stated that due to the age of the building, 115 years old, they will be completely gutting the inside and reinforcing the structure and also adding an elevator.

In response to Alderman Berger's question with regard to staff's recommendation to waive the restaurants' parking requirements compared to other restaurants (i.e. The Avenue) City manager Owens stated that any modification would be approved through the conditional use permit request by the Board of Aldermen. Louis Clayton added that he doesn't recall if the building where The Avenue Restaurant is located is less than 3,000 square feet, and explained the requirements for parking for restaurants larger than 3,000 square feet. He added that the Plan Commission supported the request to waive the parking requirements for The Claymoor restaurant because staff felt parking would be sufficient with valet services and other off-site locations.

In response to Alderman Lintz's question, Mr. Ivy stated that they would like to provide recycling, but unfortunately there is not enough room in the back to house the recycling cans and the trash cans although he will continue to look in to the possibility.

In response to Mayor Sanger's question, Mr. Ivy stated that they understand the conditions with regard to the music as it relates to the neighborhood.

Mayor Sanger closed the public hearing.

Alderman Garnholz moved to approve Resolution No. 15-15, a Conditional Use Permit for The Claymoor to be located at 15 N. Meramec. Alderman Winings seconded.

The motion passed 4 - 1 on a voice vote; Alderman Berger - Nay.

PUBLIC HEARING AND AN ORDINANCE TO CONSIDER AMENDMENTS TO CHAPTER 505 (STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES) RELATING TO MOBILE FOOD VENDING EQUIPMENT

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that on August 28, 2012, the City adopted Section 505.125: Private Mobile Food Vending, to allow the operation of mobile food vending equipment on City rights-of-way, City property and private property, solely to serve a private event not open to the general public. Mobile food vending equipment includes food trucks, ice cream trucks, mobile barbecues and similar motorized or transportable food preparation or vending equipment. The popularity of mobile food vending equipment has increased, and some local businesses have expressed interest in operating mobile food vending equipment as an accessory use to their established businesses, and to sell directly to the general public, which is currently prohibited.

The proposed amendments to Section 505.125 establish a Downtown Mobile Food Vending District, which includes the primary commercial areas Downtown except for properties on the north side of Maryland Avenue from the western city limits to just west of Meramec Avenue. The proposed amendments would allow licensed Downtown restaurants, grocery stores, and food retailers to operate mobile food vending equipment and sell to the general public only on the property on which they are located.

Operators of mobile food vending equipment that are not associated with an established Downtown restaurant, grocery store or food retailer, may continue to operate mobile food vending equipment in association with private events throughout the City, and may sell to the general public in a city park with approval from the City. Other minor changes to the regulations include limits to hours of operation and business licensing requirements. The amendments to Section 505.125 are being considered concurrently with text amendments to the Zoning Ordinance to allow the sale, display and storage of food products in front yards on private property.

Staff is of the opinion that the proposed regulations balance the interests of the City, residents and businesses, while ensuring the safe use of streets, sidewalks and city property as well as compliance with health and safety standards. Staff recommendation is to approve the amendments as requested.

In response to the Board's questions, Louis Clayton clarified that there was a typographical error in the memorandum and that the language regarding the 200 feet requirement is no longer included. The amendment is proposed for established restaurants, grocers, food retailers (i.e. Straubs and Café/Bar Napoli) located only in the downtown district and those retailers would have to specifically accommodate the food truck on the business' own property.

Louis Clayton also stated that due to the property requirements staff feels that there are not too many businesses that will take advantage of providing food trucks.

Mayor Sanger closed the public hearing.

Alderman Garnholz introduced Bill No. 6524, an ordinance to approve an amendment to Chapter 505, Section 505.125 related to the operation of public mobile food vending downtown to be read for the first time by title only. Alderman Winings seconded.

Ray Gallardo, business owner, commented about unintended consequences related to the ordinance. He inquired about businesses that have patios (i.e. Cardwells) and asked if they are allowed to place a food truck on the patio which is a part of the business property. City Manager Owens stated that most restaurants' patios are located on a portion of the sidewalk and in that instance the City's Parking Code would go into effect. Chief Kevin Murphy agreed.

City Attorney O’Keefe reads Bill No. 6524, an Ordinance Amending Chapter 505 of the Clayton City Code Relating to Mobile Food Vending Equipment for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6524 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6524, an ordinance to approve an amendment to Chapter 505, Section 505.125 related to the operation of public mobile food vending downtown to be read for the second time by title only. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6524, an Ordinance Amending Chapter 505 of the Clayton City Code Relating to Mobile Food Vending Equipment for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6392 of the City of Clayton.

PUBLIC HEARING AND AN ORDINANCE TO CONSIDER AN AMENDMENT TO CHAPTER 405 (ZONING REGULATIONS), SECTION 405.240 (FRONT YARD PROHIBITIONS)

Mayor Sanger opened the public hearing and requested proof of publication.

City Manager Owens reported that this is a public hearing to solicit input regarding a proposed amendment to Chapter 405: Zoning Regulations, Section 405.240: Front Yard Prohibitions to allow the operation of mobile food vending equipment in front yards in conformance with proposed amendments to Chapter 505: Streets, Sidewalks and other Public Places, Section 505.125: Private Mobile Food Vending.

On August 28, 2012, the City adopted Section 505.125: Private Mobile Food Vending, to allow the operation of mobile food vending equipment on City rights-of-way, City property and private property, solely to serve a private event not open to the general public. Mobile food vending equipment includes food trucks, ice cream trucks, mobile barbecues and similar motorized or transportable food preparation or vending equipment.

Staff has prepared amendments to Section 505.125: Private Mobile Food Vending that would allow established Downtown restaurants, grocery stores, and food retailers to operate mobile food vending equipment and sell to the general public within the Downtown Mobile Food Vending District on the site they are located, or on locations that are at least 200 feet from the primary entrance of another established restaurant, grocery store, or food retailer.

Section 405.240: Front Yard Prohibitions currently prohibits the sale, display or storage of food products in the front yards on private property, which contradicts the proposed amendments to Section 505.125: Private Mobile Food Vending. The proposed text amendment will address this conflict by allowing the sale, display, and storage of food products in front yards of private property in conformance with the mobile food vending regulations, and will only go into effect if the proposed amendments to Section 505.125: Private Mobile Food Vending are approved.

The Plan Commission considered this request at their September 9, 2015 meeting and voted unanimously to recommend approval. Staff recommendation is to approve the text amendment as requested.

Mayor Sanger closed the public hearing.

Alderman Garnholz introduced Bill No. 6525, an ordinance to approve an amendment to Chapter 405, Section 405.240 related to Front Yard Prohibitions to be read for the first time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6525, an Ordinance Providing for the Amendment of Certain Sections of Title IV (Land Use), Chapter 405 (Zoning Regulations) of the Code Of Ordinances of the City of Clayton, Missouri, and Other Actions Related Thereto for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6525 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6525, an ordinance to approve an amendment to Chapter 405, Section 405.240 related to Front Yard Prohibitions to be read for the second time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6525, Bill No. 6525, an Ordinance Providing for the Amendment of Certain Sections of Title IV (Land Use), Chapter 405 (Zoning Regulations) of the Code Of Ordinances of the City of Clayton, Missouri, and Other Actions Related Thereto for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6393 of the City of Clayton.

A PUBLIC HEARING AND RELATED ORDINANCE TO CONSIDER AMENDMENTS TO CHAPTER 210; ANIMAL REGULATIONS; ARTICLE II. GENERAL ANIMAL, LIVESTOCK, BIRDS AND DOMESTIC FOWL REGULATIONS, SECTION 210.260 OF THE MUNICIPAL CODE OF CLAYTON

City Manager Owens reported that on September 24, 2013, the Board of Aldermen amended the Domestic Fowl Regulations with the intent of ensuring greater compatibility between properties that chose to keep geese, ducks, chickens or turkeys, and those that don't, by aligning the existing ordinance with setback requirements for accessory structures and ensuring safe and sanitary conditions as set forth in the City's nuisance codes. The revised regulations also required a permit and inspection of the facilities before domestic fowl may be housed on private property. On September 8, 2015, the Board of Aldermen considered further amendments to the domestic fowl ordinance, and then tabled the item after discussion. As a result of the Board's discussion, the following changes were made to the draft ordinance:

1. A limit of 10 domestic fowl (see lines 39; 73-78 – red line version)
2. No crowing hens or adult male chickens (roosters) are permitted (see line 41 – red line version)
3. Vegetative buffers have defined standards (see lines 139-146- red line version)

Since the adoption of the revised Domestic Fowl Regulations in 2013, the City has issued eight Domestic Fowl Permits, each valid for three years. Since that time, City staff and the Board of Aldermen have received numerous complaints regarding the appearance of coops and pens that are visible from adjacent properties and noise complaints. The current regulations address the location and screening of coops and pens as follows:

“Coops and pens shall be effectively screened from view by pedestrians at ground level at all times by the use of an opaque fence or landscaping.”

Staff's application of this requirement has been to require screening of views from the public right-of-way, not from adjacent properties, per the City's Architectural Review Guidelines. Due to the number of complaints the City staff and Board of Aldermen have received regarding the appearance and location of coops and pens, staff has been directed to revise the current regulations to require more stringent screening from the streets and adjacent properties, and therefore proposes the language found herein. The design requirements for coops have also been enhanced to require coops to be constructed of common materials and designs associated with commercially constructed small animal enclosures. Property owners have resorted to enclosures and coops constructed of unconventional materials such as wooden pallets, trampolines, scrap lumber pieces and plastic tarps which appear to be the equivalent of junk storage on private property, rather than an appropriate enclosure for domestic fowl. Staff recommends approval of the proposed ordinance.

City Manager Owens noted that a revised amendment was provided to the Board at each dias for the correct wording to be included in the ordinance as written below:

SECTION 210.260: POSSESSION OF DOMESTIC FOWL

A. Limitations on Keeping Domestic Fowl. It shall be unlawful for a person, other than a veterinary hospital or pet shop, to keep domestic geese, ducks, chickens or turkeys ("domestic fowl") within the City for commercial or resale purposes. It shall be unlawful for a person to keep more than ten (10) domestic fowl as pets or for domestic egg production. No crowing hens or adult male chickens may be kept. Domestic fowl kept as pets or for domestic egg production must be adequately confined within the private property boundaries of the owner's yard sufficient to prevent their escape. Any person desiring to keep domestic fowl may do so only upon obtaining a permit for same from the City.

In response to the Board's questions, Susan Istenes clarified the following:

Section 210.260, B.

4. Notwithstanding any provision herein to the contrary, each property harboring domestic fowl which exists before the effective date of this Section on September 24, 2013, shall comply with the provision of this Section and obtain a permit within one hundred twenty (120) days after the effective date of this Section. Existing permit holders shall comply with amendments to this section within 60 days of the effective date (October 13, 2015) of the amendment(s) with the following exception:

a. Pursuant to Section 210.260. (A). any existing permit holder who houses more than 10 domestic fowl on their property may keep the same number of fowl, but may not replace any fowl that expires or that is otherwise permanently removed from their property, until the limit of 10 is reached.

Walter Shifrin, resident, addressed the Board with regard to the allowance of roosters. Susan Istenes stated that owners who currently have roosters will need to come into compliance per the requirements of the ordinance. She added that staff will send letters and a copy of the ordinance to owners who currently hold permits.

Anne Martin, resident, addressed the Board commenting that she is in support of the ordinance and that although she loved her roosters and hated to see them go, she was able to find new homes for them and has come into compliance. She thanked the Board for coming to a decision that she feels will work for everyone.

Alderman Garnholz introduced Bill No. 6518.1, an ordinance to approve an amendment to Chapter 210, Article II, Section 210.260 as it relates to domestic fowl (chickens) as amended by revision to be read for the first time by title only. Alderman Winings seconded.

City Attorney O’Keefe Reads Bill No. 6518.1, an Ordinance Revising Chapter 210 (Animal Regulations) Of Title II (Land Use) of the Municipal Code of the City Of Clayton, Missouri, General Animal, Livestock, Birds and Domestic Fowl Regulations, Section 210.260 of the Municipal Code of Clayton and Other Actions Related Thereto as amended for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6518.1 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6518.1, an ordinance to approve an amendment to Chapter 210, Article II, Section 210.260 as it relates to domestic fowl (chickens) as amended by revision to be read for the second time by title only. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6518.1, an Ordinance Revising Chapter 210 (Animal Regulations) of Title II (Land Use) of the Municipal Code of the City Of Clayton, Missouri, General Animal, Livestock, Birds and Domestic Fowl Regulations, Section 210.260 of the Municipal Code Of Clayton and Other Actions Related Thereto as amended for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6394 of the City of Clayton.

AN ORDINANCE TO CONSIDER ADOPTING THE 2015 INTERNATIONAL BUILDING, MECHANICAL, PLUMBING, RESIDENTIAL, ENERGY CONSERVATION AND FUEL GAS CODES, AND THE EXISTING BUILDING CODE WITH AMENDMENTS (SECOND READING)

City Manager Owens reported that this is an ordinance to adopt the 2015 International Building Code, Mechanical Code, Plumbing Code, Residential Code, Energy Conservation Code, Fuel Gas Code and the Existing Building Code, with Amendments.

The City of Clayton has been using the Building Officials and Code Administrators (B.O.C.A.) Building, Mechanical, Plumbing and the National Electric Codes, with local amendments, since 1957. In 2000, the Building Officials and Code Administrators changed the Code titles to International Codes which were adopted by Clayton in 2001, with amendments.

The 2015 International Codes are the latest model codes presently available, and have been, or will soon be adopted by other surrounding communities. It is anticipated that these Codes will be adopted by the majority of jurisdictions in the United States as well as Canada and Mexico.

The International Code Council (ICC) updates the various codes every three years allowing for new design practices, technology and products to be addressed. Clayton has been under the 2009 Codes since their adoption in 2010. The one change in the 2015 Code that is considered a significant departure is that Chapter 34, *Existing Structures*, was deleted from the International Building Code and was replaced with a separate code, the 2015 *International Existing Building Code* (IEBC). Many of the remaining changes are not significant; however, in this age of rapid and significant advancements in technology, it is especially important to stay up-to-date.

The following are a few examples that are representative of the technology updates contained in the 2015 Codes:

2015 International Building Code – The most significant change in the *2015 International Building Code* is that Chapter 34 Existing Structures was deleted from the IBC by the International Code Council (ICC) and was replaced with a separate code, the *2015 International Existing Building Code* (IEBC). The adoption of the *2015 International Existing Building Code* (IEBC) is part of the adopting ordinance under consideration.

2015 International Residential Code – most new homes constructed will now require a minimum of ½" gypsum wallboard to the underside of all floors. This is mainly due to the fact that many new homes have floor structures constructed from open-web truss style joists or I-joists. These newer type joist systems do not perform as well as solid-sawn dimensional lumber joists (2"X10" or 2"X12" typically) under fire conditions.

2015 International Existing Building Code - The IEBC is a new code for the City of Clayton. The adoption of the IEBC becomes necessary now that the IBC has removed what was Chapter 34 that addressed the applicability of the building code for construction within an existing building. The IEBC outlines three levels of construction activity and the level of code compliance required for the various levels of construction. A brief summary of impact is as follows:

Level 1 – Minor work such as replacement of wall coverings, equipment and/or fixtures.
Level 1 has very minor code requirements due to the limited scope of construction.

Level 2 – The reconfiguration of a space or the addition or deletion of windows or doors.
In a high-rise building, if the construction work area exceeds 50% of the floor where the alteration occurs, the work area is required to have an automatic sprinkler system installed. An exception to the sprinkler requirement is provided if sprinkler protection cannot be obtained without the installation of a new fire pump; in that case smoke detection throughout the space is accepted as an alternative method of fire protection.

Level 3 – The alteration/s exceeds 50% of the building's total floor area.
In a high-rise building, an automatic sprinkler system would be required in the construction work area/s.

2015 International Mechanical Code (IMC) - Section 507.2 was amended to add an exception that addresses the type of exhaust hood and fire protection required for domestic cooking appliances (ranges normally found in a residential dwelling unit) when installed in a non-residential environment.

2015 International Fuel Gas Code (IFGC) - Modifications to the IFGC are simply administrative amendments to the model code.

2015 International Energy Conservation Code (IECC) - Modifications to the IECC are simply administrative amendments to the model code.

2015 International Property Maintenance Code (IPMC) - The IPMC has not been updated by adoption since the 2006 edition of the IPMC. Modifications to the IECC are simply administrative amendments to the model code and carry over changes from the previous code.

In addition to the actual Codes, contained in the ordinance are amendments that are designed to take into consideration circumstances and standards which are particular to Clayton. The amendments, therefore, allow for meeting Clayton's individual needs while assuring that the City is utilizing a nationally recognized standard for Code implementation and enforcement.

Other amendments contained in the ordinance are those that have simply been transferred from the previously adopted Codes and will continue to be enforced in the same manner.

The subject codes and amendments are required to be available for public review and comment for 90 days prior to their adoption. The Codes have been available in the City Clerk's Office since June, 2015. The Board conducted the first reading of the ordinance on June 23, 2015 and the required public review period (90 days) has been completed, therefore, the codes may be lawfully adopted.

During the time between the first reading and the second reading, staff conducted two public information meetings, the first on July 23, and the second on August, 27. At these meetings, the Fire Department staff and Building staff gave a presentation regarding the proposed changes and answered questions. A number of other communication tools were developed in development in order to effectively notify and engage the public of the proposed changes to the City of Clayton's adopted codes, including a web page, mailings and emails. Attached to this report is a separate document, summarizing the public meetings.

Recommendation is to approve the ordinance adopting the 2015 International Building, Mechanical, Plumbing, Residential, Energy Conservation and Fuel Gas Codes (with amendments), and the Existing Building Code (with amendments) pursuant to the attached ordinance, with an effective date of January 1, 2016.

AN ORDINANCE TO CONSIDER ADOPTING THE 2015 INTERNATIONAL FIRE CODE, WITH AMENDMENTS (SECOND READING)

City Manager Owens reported that the Clayton Fire Department has traditionally been a leader in fire prevention activities, including the adoption and enforcement of up-to-date fire prevention codes. The Board of Aldermen adopted the current Fire Code, the 2009 International Fire Code in 2010. While there are few changes over the current Fire Code, the proposed Code incorporates updated reference standards and fire protection requirements to remain consistent with the City's proposed Building Codes.

Assistant Chief/Fire Marshal Mercurio has reviewed the 2015 International Fire Code. Local amendments needed to meet the specific needs and requirements of Clayton were identified and are included in this Ordinance. Amendments to the proposed Code were minimal and covered local concerns and administrative issues.

The only change from first reading to second reading is in Section 503.2, where authority has been modified to return it to the model ordinance as it pertains to modifications to fire lanes. Because it returns the language to the model code no reference is made to it in the ordinance which only lists exceptions to the model. Staff recommends that the ordinance be read and approved for second reading and final adoption

AN ORDINANCE TO CONSIDER ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) WITH AMENDMENTS (SECOND READING)

City Manager Owens reported that at its July 14, 2015 meeting, the Board of Aldermen unanimously approved the first reading of an ordinance to adopt the 2015 International Property Maintenance Code, with Amendments.

Since that time the City held two public information meetings on July 23 and August 27. At these meetings, the Fire Department staff and Building staff gave a brief presentation regarding the proposed changes and answered any questions/concerns from the public. No additional changes have been made to the ordinance.

The subject codes and amendments are required to be available for public review and comment for 90 days prior to their adoption. The Codes have been available in the City Clerk's Office since June, 2015. Therefore, the ordinance is being presented for its second reading. Recommendation is to approve the ordinance.

Gary Feder, Attorney, Husch Blackwell Law Firm, addressed the Board on behalf of his client's interests in 7777 Bonhomme Avenue building expressed concerns regarding Appendix M of the Fire Code as it relates to existing high-rise buildings and water sprinklers. Mr. Feder noted that he has already been working with the City on a previous plan and that he had no opposition to the adoption of the codes. His concerns are related to the requirement to come into compliance.

Joe Downs, Opus Development, addressed the Board requesting that the City allow the development project to be grandfathered in under the current IBC Codes.

City Manager Owens stated that he has no objection to Mr. Downs' request due to the projects unique design/build aspect and that staff will discuss and notify him of the decision.

Alderman Garnholz introduced Bill No. 6506, an ordinance to consider adopting the 2015 International Building, Mechanical, Plumbing, Residential, Energy, Conservation and Fuel Gas Codes with amendments for the second time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6506, an Ordinance Providing for the Repeal of Sections 500.010 and 500.020 of the Code of Ordinances of the City of Clayton, Missouri, Relating to Buildings and Structures and Enacting in Lieu Thereof New Sections 500.010 and 500.020 on the Same Subject With Certain Modifications as Hereinafter Set Forth, and Establishing Penalties for the Violation Thereof for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6395 of the City of Clayton.

Alderman Garnholz introduced Bill No. 6507, an ordinance to consider adopting the 2015 International Fire Code to be read for the second time. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6507, an Ordinance Amending Sections 205.070 and 205.080 of the Municipal Code of the City of Clayton, Missouri, Regarding Fire Protection and Prevention, Adopting the 2015 International Fire Code for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6396 of the City of Clayton.

Alderman Garnholz introduced Bill No. 6509, an ordinance to consider adopting the 2015 International Property Maintenance Code for the second time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6509, An Ordinance Adopting the 2015 International Property Maintenance Code and Certain Modifications Thereto, Establishing Penalties for the Violation Thereof, and Amending Section 500.040 of the Code of Ordinances of the City of Clayton Relating Thereto for the second time by title only.

Alderman Garnholz introduced Bill No. 6509, an ordinance to consider adopting the 2015 International Building, Property Maintenance Codes for the second time by title only. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6509, An Ordinance Adopting the 2015 International Property Maintenance Code and Certain Modifications Thereto, Establishing Penalties for the Violation Thereof, and Amending Section 500.040 of the Code of Ordinances of the City of Clayton Relating Thereto for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6397 of the City of Clayton.

AN ORDINANCE TO CONSIDER ADOPTING THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC) WITH AMENDMENTS (FIRST READING)

City Manager Owens reported that this is an ordinance to adopt the *2015 International Swimming Pool and Spa Code* (“ISPSC”) with amendments.

The first edition of the International Swimming Pool and Spa Code was published in 2012 as a result of the collaborative effort among many industry experts, including the Association of Pool and Spa Professionals (APSP).

The goal in creating the ISPSC was to produce a comprehensive code which met the requirements of the Virginia Graeme Baker Act and incorporated the relevant requirements found in the *International Residential Code*, *International Building Code*, *International Plumbing Code* and the *International Mechanical Code*, along with the APSP standards.

When the City of Clayton adopted the current codes in effect, the ISPSC had yet to be created. Therefore, the *2015 International Swimming Pool and Spa Code* would be the first standalone swimming pool and spa code adopted by the City of Clayton.

The adoption of the ISPSC is needed because as a result of the creation of the ISPSC, all code sections pertaining to the installation of swimming pools were removed from the *2015 International Residential Code* and *2015 International Building Code*. Adopting the 2015 ISPSC allows the City of Clayton to continue to have up to date design and installation safety standards for both private and public swimming pools. The adoption of the ISPSC will also allow for a more streamlined standard for the design, installation and inspection of swimming pools for both end user and staff.

The following are a few the benefits of the ISPSC, as provided by the ICC:

- The only comprehensive model swimming pool and spa code available.
- Meets or exceeds Virginia Graeme Baker Pool and Spa Safety Act compliance.
- Utilizes time-proven APSP ANSI standards by reference and integration.
- Contains barrier, decking, lighting, circulation system, pump, accessibility, diving, sanitizing equipment, filter and suction fitting provisions

In addition to the actual Codes, contained in the ordinance are minor amendments that are designed to take into consideration circumstances and standards which are particular to Clayton. These amendments, therefore, allow for meeting Clayton’s individual needs while assuring that the City is utilizing a nationally recognized standard for Code implementation and enforcement.

The subject codes and amendments are required to be available for public review and comment for 90 days prior to their adoption. The codes have been available in the City Clerk’s office since August 27, 2015.

Therefore, the ordinance is being presented for its first reading only pending completion of the required public review period. The second reading will be scheduled 90 days or later, from the date of the first reading (sometime in January, 2016). The code was presented to the attendees at the public meeting held on August 27, 2015. Recommendation is to approve the ordinance for the first reading only.

In response to Alderman Garnholz question, City Manager Owens explained that the ISPS Code were previously part of the IBC codes, but were “pulled” out and separated which now requires a separate approval.

Alderman Garnholz introduced Bill No. 6526, an ordinance to approve the adoption of the 2015 International Swimming Pool and Spa Code to be read for the first time by title only. Alderman Winings seconded.

City Attorney O’Keefe reads Bill No. 6526, an Ordinance Providing for the Amendment of Sections 500.010 and 500.020 of the Code of Ordinances of the City of Clayton, Missouri, Relating to Buildings and Structures to Adopt the International Swimming Pool and Spa Code and Certain Amendments Thereto, and Establishing Penalties for the Violation Thereof for the first time by title only.

The motion passed unanimously on a voice vote.

A RESOLUTION TO CONSIDER APPROVING THE SUBMITAL OF A MUNICIPAL PARKS GRANT APPLICATION FOR PARK IMPROVEMENTS AT TAYLOR PARK

City Manager Owens reported that a system-wide recommendation of the 2007 Parks & Recreation Master Plan is the upgrade of existing playgrounds throughout the city’s park system as well as neighborhood park improvements. This year we have put together a plan for improvements to Taylor Park that include not only replacement of the 20 year old playground but also enhancements to this popular neighborhood park. To create this plan we created a focus group made up of residents of Old Towne, a member of the Parks & Recreation Commission, a member of the Board of Aldermen and staff who met over the past six months to provide input on the playground design as well as the overall park improvements. A survey of residents was conducted to also gain additional input.

As a result of these meetings a plan was developed that included the following improvements that are detailed in Attachment A:

- ADA improvements to North Central Entrance
- Upgrades to Lighting to include underground location of wires and new LED lights
- Installation of a connecting walk from Bemiston to the trail on the west side of the park
- New site furnishings and reorientation of picnic pads
- Improved Landscape Plantings
- New sod and irrigation system
- Replacement of New Playground

Included in the FY16 Capital budget is \$20,000 of City Funding for the completion of this project. The City is eligible for up to \$420,000 of grant funding this year and the total cost of this project is estimated to be \$420,636.00. It is our intent to apply for a grant for \$400,636 to fund the project with the matching portion of \$20,000 paid for from the City’s Capital Fund. The Parks and Recreation Commission unanimously voted in favor of this grant application at their October 5, 2015 meeting. Recommendation is to approve the resolution authorizing submittal of the grant application for Park Improvements at Taylor Park.

Alderman Garnholz moved to approve Resolution No. 15-16, to approve the submittal of the St. Louis Municipal Parks Grant application for Taylor Park. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Garnholz reported on the following:

Parks & Recreation Commission

- Members of the MYAC attended and they were very engaged, asking lots of questions.
- The Commission discussed the Open Space Needs Analysis.
- Very good presentation on Taylor Park and the new playground – very exciting.
- Andy Franke discussed with the Commission the idea of an “impact fee” for park land on how it is a “tool” used across the nation.

Alderman Berger reported on the following:

CRSWC Finance Committee – meeting to be held on November 5 where they will begin the conversation around capitol plan development for The Center and members of the School Board will participate.

Citizens’ Committee for Chapman Plaza – met recently and he is pleased with the firm doing the work of creating the plan and feels their partnership with Patty DeForrest is dynamic. He feels very good about the work that has been done and where it is going.

Alderman Lintz reported that he attended the “Coffee With A Cop” event and felt it was an excellent event with very good participation.

Alderman Berkowitz reported that the CHS Homecoming parade was awesome! He added that they managed to keep a lot of dentists in practice, referring to the candy that was thrown from the truck to the parade attendees.

Alderman Berkowitz moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Lintz seconded the motion.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye.

There being no further business the meeting was adjourned at 8:40 p.m.

Mayor

ATTEST:

City Clerk